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10/643,495	08/19/2003	Paul R. Dansreau	6579-01-1	5474

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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,495

Applicant(s)

DANSREAU ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/23/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mechanism for retracting the fingers rearward of the cutting edge of displaced toward and beyond the cutting edge of the blade as set forth in claim 1 and means for engaging that registers the spacer in a plurality of working positions as set forth in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a series of spaced indentations in the seat 12 and mating of at least one protrusion 63 with the series of indentations in the seat 12 as described in the specification. See page 8, paragraph 37 in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).
3. The drawings are objected to because Figs. 1-4 contains alterations that have not been initialed by the applicant. For example, the reference number 63 or 74, which points to the protrusion on the body 34, has been altered and it is not clear whether the reference number is number "63" or number "74".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the

remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to under 37 CFR 1.71 for not disclosing how protrusions 63 on the body 34 mate with series of indentations in the seat 12. It is not clear how the spacer 20 can move forward and backward in different positions with respect to the shave plane. It is not clear how the protrusions 63, which are not clearly shown, can mate with the indentations, which are not shown, and move the spacer 20 in different positions. It is not clear how a protrusion can disengage from an indentation and engage with another indentation. Therefore, it is not clear what mechanism moves the spacer to different working positions. See page 8, paragraph 37 in the specification.

5. The disclosure is objected to because of the following informalities: " the cap 46" should be --The cap 14--. See paragraph 30, lines 11-13 in the specification.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-6 and 8-9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 1, the disclosure fails to teach how the fingers displacement toward and beyond the cutting edge is controllable. The specification fails to teach how the spacer displacement that decreases the contract between the cutting edge of the blade and the skin is controllable. The disclosure fails to teach the mechanism that moves the spacer to different working positions. It is not clear how protrusions 63 on the body 34 mate with series of indentations in the seat 12. Therefore, It is not clear how the spacer 20 can move forward and backward in different positions with respect to the shave plane. It is not clear how protrusions 63, which are not clearly shown, can mate with the indentations, which are not shown, and move the spacer 20 in different positions. It is not clear how a protrusion can disengage from an indentation and engage with another indentation. Therefore, it is not clear what mechanism moves the spacer to different working positions. Regarding claim 9, it is not clear how the spacer can be move to the plurality of working positions by “a means for engaging.”

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Regarding claim 9, “a means for engaging that registers the spacer in the plurality of the working positions” is not clear. It is not clear what engages the “ a means for engaging.” It is not clear what “a means for engaging” means and what portion of the razor blade cartridge is engaged with the means of engaging.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-6 and 8-9, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (5,377,409). Regarding claim 1, Chen teaches a razor blade cartridge including a seat 12, a cap 14 mounted on the seat 12 so that the seat 12 and the cap 14 define a space therebetween and at least one blade 16, 18 having a cutting edge and mounted between the seat 12 and the cap 14. Chen also teaches a spacer 20' coextensive with the at least one blade 16, 18 and mounted between the seat 12 and the at least one blade 16, 18. Chen also teach that spacer 20' has a plurality of spaced apart fingers 76' extending frontward of the spacers and being operable between an initial position wherein the fingers are retracted rearward of the cutting edge and a plurality of working positions wherein the fingers are displaced toward and beyond the cutting edge for controllably decreasing contact between the cutting edge of the at least one blade 16, 18, and the skin and removing shaving debris accumulated in the space. The four curved protrusions on the bar 52' define the finger of the spacer 20'. See Fig. 6 in Chen. The spacers or the fingers also controllably are

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displaced toward and beyond the cutting edge of blade 18 as shown in Fig. 5. See Figs. 1-6 and col. 8, lines 22-46 in Chen.

Regarding claim 2, Chen teaches everything noted above including a seat blade 16 mounted between the seat 12 and the spacer 20' and having a cutting edge spaced forward of the cutting edge of the one blade 18 and a plane tangent to the seat and cap being a shave plane. There is inherently a plane tangent to the seat and cap. See Figs. 1-6 in Chen.

Regarding claim 3, Chen teaches everything noted above including that the fingers 76' are spaced below the shaving plane in the initial position of the spacer 20'. See Figs. 1-6 in Chen.

Regarding claim 4, Chen teaches everything noted above including that the fingers 76' of the spacer 20' lie beyond the shave plane in the plurality of the working positions. See Figs. 1-6 in Chen.

Regarding claim 5, Chen teaches everything noted above including that the seat 12 has a guide bar 24 coextending with the cutting edges of the blades 16, 18 and having a plurality of fixed members which are spaced apart along the guard bar 24 and extend upward therefrom. The fixed members are the rounded sections of the guard 24 which are separated by grooves 32. Chen also teaches that each of the fixed members having a respective rounded top terminating below, on or above the shave plane. The fixed members have a rounded top as shown in Figs. 1-3 in Chen.

Regarding claim 6, Chen teaches everything noted above including that the fixed members provided on the seat 12 are aligned with the fingers 76' formed on the spacer 20' in

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a direction perpendicular to a longitudinal extend of the cutting edges of the at least one and seat blades 16, 18. See Figs. 1-6 in Chen.

Regarding claim 8, Chen teaches everything noted above including that the spacer 20' has a continuous front edge from which the fingers extend frontward and at least one of the plurality of working positions wherein the front edge of the spacer lies in or beyond the shave plane corresponding to a cleaning position of the spacer 20'. See Figs. 1-6 in Chen.

Regarding claim 9, as best understood, Chen also teaches that the spacer 20 further includes a means 60 for engaging that register the spacer 20 in the plurality of the working positions. The longitudinal slot 62 engages the post 34' and the spacer is capable of being held in different position with respect to the cutting edge of the cutting blade by the actuator or the user.

To the degree that can be argued that the curved protrusions in Chen are not fingers the rejection below is applied.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-6 and 8-9, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Ferraro (4,272,885). Regarding claim 1, Chen teaches a razor blade cartridge including a seat 12, a cap 14 mounted on the seat 12 so that the seat 12 and the cap 14 define a space therebetween and at least one blade 16, 18 having a

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cutting edge and mounted between the seat 12 and the cap 14. Chen also teaches a spacer 20' coextensive with the at least one blade 16, 18 and mounted between the seat 12 and the at least one blade 16, 18. Chen also teach that spacer 20' is operable between an initial position wherein the spacer is retracted rearward of the cutting edge and a plurality of working positions wherein the spacers is displaces toward and beyond the cutting edge for controllably decreasing contact between the cutting edge of the at least one blade 16, 18, and the skin and removing shaving debris accumulated in the space. See Figs. 1-6 and col. 8, lines 22-46 in Chen. Chen does not teach a plurality of fingers extending frontward of the spacer. However, the use of a plurality of fingers on a spacer is well known in the art such as taught by Ferraro. Ferraro teaches a spacer 22 having a plurality of fingers 30. See Figs. 1-5 and col. 2, lines 32-68 and col. 3, lines 1-66 in Ferraro. It would have been obvious to a person of ordinary skill in the art to provide Chen's razor cartridge with the plurality of fingers as taught by Ferraro in order to increase comfort in shaving.

Regarding claim 2, Chen teaches everything noted above including a seat blade 16 mounted between the sat 12 and the spacer 20' and having a cutting edge spaced frontward Of the cutting edge of the one blade 18 and a plane tangent to the seat and cap being a shave plane. There is inherently a plane tangent to the seat and cap. See Figs. 1-6 in Chen.

Regarding claim 3, Chen as modified by Ferraro teaches everything noted above including that the fingers 30, as taught by Ferraro, are spaced below the shaving plane in the initial position of the spacer 20'. See Figs. 1-6 in Chen and Figs. 1-5 in Ferraro.

Regarding claim 4, Chen as modified by Ferraro teaches everything noted above including that the fingers 30, as modified by Ferraro, of the spacer 20' lie beyond the shave plane in the plurality of the working positions. See Figs. 1-6 in Chen and Figs. 1-5 in Ferraro.

Regarding claim 5, Chen teaches everything noted above including that the seat 12 has a guide bar 24 coextending with the cutting edges of the blades 16, 18 and having a plurality of fixed members which are spaced apart along the guard bar 24 and extend upward therefrom. The fixed members are the rounded sections of the guard 24 which are separated by grooves 32. Chen also teaches that each of the fixed members having a respective rounded top terminating below, on or above the shave plane. The fixed members have a rounded top as shown in Figs. 1-3 in Chen.

Regarding claim 6, Chen as modified by Ferraro teaches everything noted above including that the fixed members provided on the seat 12 are aligned with the fingers 30, as modified by Ferraro, formed on the spacer 20' in a direction perpendicular to a longitudinal extend of the cutting edges of the at least one and seat blades 16, 18. See Figs. 1-6 in Chen.

Regarding claim 8, Chen teaches everything noted above including that the spacer 20' has a continuous front edge from which the fingers extend frontward and at least one of the plurality of working positions wherein the front edge of the spacer lies in or beyond the shave plane corresponding to a cleaning position of the spacer 20'. See Figs. 1-6 in Chen.

Regarding claim 9, as best understood, Chen also teaches that the spacer 20 further includes a means 60 for engaging that register the spacer 20 in the plurality of the working positions. The longitudinal slot 62 engages the post 34' and the spacer is capable of being

held in different position with respect to the cutting edge of the cutting blade by the actuator or the user.

Response to Amendment

14. Applicant's arguments filed on 05/23/05 have been fully considered but they are not persuasive.

Applicant's arguments that Chen does not teach at least a spacer moveable between a plurality of working position for controllably decreasing the contact between the edge of the at least one blade and the skin is not persuasive. Chen teaches that the spacer 20 moves from a first initial position rearward of the cutting edge to positions forward and beyond the cutting edge of the cutting blade for removing the shaving debris, as set forth in claim 1. The forward movement of the spacer toward and beyond the cutting edge of the blade can displace the fingers of the spacer toward and beyond the cutting edge of the blade. The spacer is capable of being held in different position by the user with respect to the cutting edge of the cutting blade. For example, the amount of the force exerted by the user on the actuator button 56 determines the forward movements of the actuator with spacer with respect to the cutting edge of the blade. The forward movement of the actuator toward and beyond the cutting edge of the blade inherently decreases the contact between the cutting edge and the blade. The fingers of the spacer can be held in a desired working position with respect to the cutting edge of the cutting blade, if the actuator is pushed forward to the desired position. It should be noted that the actuator and the spacer can be pushed forward and held in the desired position by the user. This determines the position of the spacer with respect to the cutting edge of the blade.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

August 4, 2005


Allan N. Shoap
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